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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,526	06/30/2004	Robert Francis Rickards	RFR-1	6403

7590 11/17/2006

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330 Roberts Street
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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/500,526

Applicant(s)

RICKARDS, ROBERT FRANCIS

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the third office action for application serial number 10/500,526, Book Reading Aid filed June 30, 2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,061,969 to Lunday in view of U.S. Patent No. 3,674,231 to Lewis. Lunday teaches a device including an elongate member (10, 11), end-pieces (30, 30a), and a spring element (33). The elongate member is for spanning and supporting the cover or an open book (50). The elongated member has arms (31, 31a) projecting from opposite ends. The end-pieces are formed as separate components having pivotal connections (not numbered) with the arms, whereby the end-pieces are mounted to move pivotally relative to the elongate member. The end-pieces include finger portions (the portion of 30, 30a that directly contacts the book) directed inwardly towards each other at opposite ends of the elongate member. Lever portions (near 30 and 30a) project outwardly to the opposite side of the respective pivotal connection, wherein the finger and lever portions together are generally in the shape of a plane which has been curved in one dimension. Each of the end-pieces is provided with a respective spring element (33) having an end, which bears against the end-piece to urge the respective finger portion

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towards a closed position wherein the finger portion (the portion of 30, 30a that direct contacts the book) bears against the elongate member to press against interposed pages of the open book, in use, and grip the book between the finger portion and elongate member. Each spring element has an end, which bears against the respective arm. The finger and lever portions are in the form of a curved strip, which extends towards the opposite end-piece. Each end-piece includes a pair of spaced walls (located on the exterior of each side of the spring) and each spring element is in the form of a coil spring mounted on a pivot pin extending between the pair of spaced wall to pivotally secure the end-piece to the respective arm. An end of each finger portion has a substantially straight margin, which extends substantially parallel to the axis of the pivotal connection. The end of the finger portion is arcuately curved in a plane, which is normal to its length. The elongate member includes inner and outer telescopically engaged elements (25, 25a) whereby the distance between the end-pieces can be adjusted. The elongate member includes a platform element (11) and an underside of the platform is provided with means (10) for engagement with the outer telescopically engaged element. Although the arms are taught to be angularly disposed with respect to the elongated member, Lunday fails to teach the arms projecting inwardly.

Lewis teaches a device comprising an elongate member (10) having arms (14', 15') projecting from opposite ends, end-pieces (23, 24) having pivotal connections (near 28). Each end piece is provided with a respective spring element (30). The spring element has an end that bears against the end piece to urge the respective finger portion towards the elongate member to press against the pages of the open book. The

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arms are angularly disposed with respect to the elongate member projecting inwardly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the arms as taught by Lunday to have incorporated the arms being projected inwardly as taught by Lewis for the purpose of readily engaging or disengaging books of various sizes.

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new grounds of rejection.

In response to applicant argument that elements 31 and 31a of Lundy are not arms that project from the elongated member; rather, each is a planar, non-projecting base on a tongue 25, 25a. Elements 31 and 31a are mounted to the elongated member. The elongated member includes the tongue 25, 25a, which is incorporated therein. Therefore, the tongue or upstanding arms is attached to and extended from the elongate member.

Additionally, Applicant contends that Lewis teaches the inwardly projecting arms, however, they perform an entirely different function from the presently claimed arms. Despite applicant's contention that the functionality of the projection arms of the present invention is different from that of Lewis, the functionality is not in question in determining patentability since it has not been claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

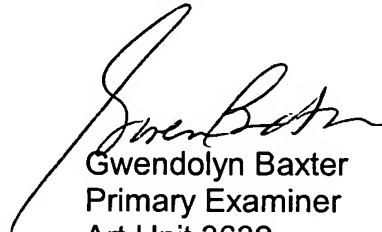
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gwendolyn Baxter
Primary Examiner
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November 11, 2006